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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,
Plaintiff,
vs.
JAVIER CATALAN BAHENA,
Defendant.

Case No. 2:23-mj-00317 PK
COMPLAINT
SEALED
Judge Paul Kohler

Before the Honorable Paul Kohler, United States Magistrate Judge for the District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT I
18 U.S.C. § 922(g)(5)
(Alien in Possession of a Firearm)

On or about between February 16, 2023 and March 16, 2023, in the District of Utah,

JAVIER CATALAN BAHENA,

the defendant, knowing that he was an alien illegally and unlawfully in the United States, did knowingly possess a firearm, that is a Beretta M9, and that firearm was in and affecting commerce; all in violation of 18 U.S.C. § 922(g)(5).

AFFIDAVIT IN SUPPORT OF COMPLAINT AND ARREST WARRANT

This complaint is based on the following information:

I, Oscar Deleon-Palencia, being first duly sworn, depose and say.

1. I am a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and a Detective with the West Valley City Police Department. I have been with West Valley since June of 2016. The information contained in this complaint is based on an investigation conducted by your affiant along with other ATF Agents, Task Force Officers, and officers from the West Valley City Police Department (WVCPD).
2. On March 16, 2023, two individuals who drove from Salt Lake City, UT were selected for an inspection by the Eagle Pass Border Patrol Officers at the U.S. Customs and Border Protection Eagle Pass Border Patrol Station located at 2285 Del Rio Blvd, Eagle Pass, TX. From the inspection, officers discovered twenty (20) long guns, fourteen (14) handguns, sixty-eights (68) magazines with assorted ammunition all hidden inside three speaker boxes. In an interview with the two drivers, they told officers that two individuals, who reside in Utah, had instructed and paid them to ship the speaker boxes to Mexico. The drivers stated they had transported speaker boxes on five previous occasions from these same two individuals to Mexico.

3. ATF agents researched the phone numbers associated with the individuals who had paid for the shipping of the speaker boxes. Based on this research, agents were able to identify the individuals as JAVIER CATALAN BAHENA. and E.M. CATALAN BAHENA and E.M. are aliens who are not lawfully in the United States and are therefore restricted people. Based on a records check from U.S. Immigration and Customs Enforcement, CATALAN BAHENA is a citizen of Mexico and has been encountered at the border on March 8, 2007 and March 11, 2007 and was granted Voluntary Returns to Mexico. Since his voluntary returns, immigration databases have no other information including status application or relief associated with CATALAN BAHENA.
4. ATF agents investigated this incident through a database that allows law enforcement to track gun histories including the purchase and potential movement of firearms using serial numbers or other identifiers and also through the collection of ATF form 4473s from multiple Federal Firearms Licensees (FFLs). A firearms transaction record or ATF form 4473 is a form prescribed by the ATF which is required to be completed when a person proposes to purchase a firearm from an FFL. The database revealed that twenty-three (23) of the thirty-four (34) firearms seized were purchased by ALVARO MARTINEZ. CATALAN BAHENA is MARTINEZ's uncle. On February 16, 2023, MARTINEZ used CATALAN BAHENA's credit card to pay for a Beretta M9. On each 4473, MARTINEZ wrote the answer "Yes" for question 21a, "Are you the transferee/actual buyer of the firearm(s) listed on the form and any continuation

sheet(s)?" MARTINEZ provided the firearm to CATALAN BAHENA.

5. On April 5, 2023, officers arrested MARTINEZ and interviewed him. Post-Miranda, MARTINEZ admitted that he would purchase firearms for CATALAN BAHENA and CATALAN BAHENA would give him cash or let MARTINEZ use his credit card. Other times, CATALAN BAHENA would ask MARTINEZ to buy a firearm for him and MARTINEZ would tell him that he already had the type of firearm that CATALAN BAHENA was looking for and CATALAN BAHENA would take the firearm. MARTINEZ provided CATALAN BAHENA with firearms from approximately December 2021 to March 2023.

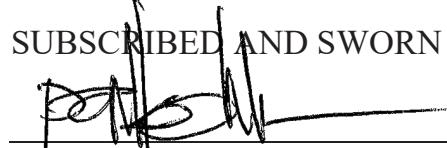
Based on the foregoing information, your affiant respectfully requests that a warrant of arrest be issued for JAVIER CATALAN BAHENA for violations of 18 U.S.C. § 922(g)(5).

OSCAR DELEON PALENCIA
(Affiliate)

 Digitally signed by OSCAR DELEON PALENCIA
(Affiliate)
Date: 2023.04.07 14:10:30 -06'00'

Oscar Deleon-Palencia
Detective, West Valley City Police and Task Force Officer, ATF

SUBSCRIBED AND SWORN to before me this 7th day of April, 2023.


PAUL KOHLER
United States Magistrate Judge



APPROVED:
TRINA A. HIGGINS
United States Attorney

Maria Mooers-Putzer
Digitally signed by Maria Mooers-
Putzer
Date: 2023.04.07 13:48:24 -06'00'

MARIA D. MOOERS-PUTZER
Assistant United States Attorney